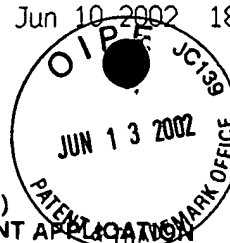


#3

2661-22

Nixon & Vanderhye P.C. (10/99)  
(Domestic Assigned) Page 2

**RULE 63 (37 C.F.R. 1.63)**  
**INVENTORS DECLARATION FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CANCER THERAPY

the specification of which (check applicable box(es)):

☐ Is attached hereto

☒ was filed on January 22, 2002

as U.S. Application Serial No. 10/051,367  
on

(Atty. Dkt. No. 2661-22)

☐ was filed as PCT International application No.

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

Application Number

Country

Day/Month/Year Filed

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number

Date/Month/Year Filed

60/262,390

19 January 2001

I hereby claim the benefit under 35 U.S.C. 120/366 of all prior United States and PCT international applications listed above or below.

Prior U.S./PCT Application(s):

Application Serial No.

Day/Month/Year Filed

Status: patented  
pending, abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby ask that all communications in this matter be directed to: NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000.

1. Inventor's Signature: [Signature] Date: 6-11-02  
 Inventor: James D. CRAPO U.S.A.  
 (first) MI (last) (citizenship)  
 Residence: (city) Englewood (state/country) Colorado  
 Mailing Address: 4650 S. Forest Street, Englewood, Colorado  
 (Zip Code) 80110

2. Inventor's Signature: [Signature] Date: 6-11-02  
 Inventor: Brian J. DAY U.S.A.  
 (first) MI (last) (citizenship)  
 Residence: (city) Englewood (state/country) Colorado  
 Mailing Address: 6122 S. Nome Court, Englewood, Colorado  
 (Zip Code) 80111

☒ See attached sheet(s) for additional inventor(s) information!!

2661-22

Nixon & Vanderhye P.C. (10/99)  
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3. Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Inventor: Ines (first) MI BATINIC-HABERLE (last) Yugoslavian (citizenship)  
 Residence: (city) Durham (state/country) North Carolina  
 Mailing Address: 1 Cotswold Place, Durham, North Carolina  
 (Zip Code) 27707

4. Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Inventor: Richard (first) MI GAMMANS (last) U.S.A. (citizenship)  
 Residence: (city) Research Triangle Park (state/country) North Carolina  
 Mailing Address: c/o Aeolus Pharmaceuticals, Inc., P.O. Box 14287, Research Triangle Park, North Carolina  
 (Zip Code) 27709

5. Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Inventor: Zeljko (first) MI VUJASKOVIC (last) Croatian (citizenship)  
 Residence: (city) Durham (state/country) North Carolina  
 Mailing Address: c/o DUKE UNIVERSITY, Office of Science and Technology, 230 North Building, Research Drive, Durham, North Carolina  
 (Zip Code) 27708

FOR ADDITIONAL INVENTORS, check box ☐ and attach sheet with same information and signature and date for each.

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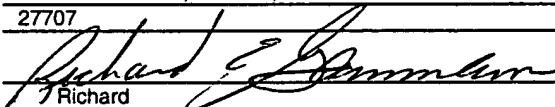
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 Residence: (city) Durham (state/country) North Carolina  
 Mailing Address: 1 Cotswold Place, Durham, North Carolina  
 (Zip Code) 27707

4. Inventor's Signature:  Date: 23 APR 2002  
 Inventor: Richard (first) MI GAMMANS (last) U.S.A. (citizenship)  
 Residence: (city) Research Triangle Park (state/country) North Carolina  
 Mailing Address: c/o Aeolus Pharmaceuticals, Inc., P.O. Box 14287, Research Triangle Park, North Carolina  
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3. Inventor's Signature: *[Signature]* Date: 04/24/02  
 Inventor: Ines MI BATINIC-HABERLE Yugoslavian  
 (first) (last) (citizenship) **CROATIAN**  
 Residence: (city) Durham (state/country) North Carolina  
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5. Inventor's Signature: *[Signature]* Date: 05/10/02  
 Inventor: Zeljko MI -VUJASKOVIC Croatian  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CRAPO et al

Atty. Ref.: 2661-22

Serial No. 10/051,367

Group:

Filed: January 22, 2002

Examiner:

For: CANCER THERAPY

\* \* \* \* \*

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY  
AND EXCLUSIVE PROSECUTION HEREAFTER BY  
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, AEOLUS  
PHARMACEUTICALS, INC. and DUKE UNIVERSITY, being the owner of all right,  
title and interest in the above-identified patent application, hereby revoke all previous  
powers of attorney in this case, if any, and hereby appoints Nixon & Vanderhye, P.C.,  
1100 North Glebe Rd., 8th Floor, Arlington, Virginia 22201-4714, telephone number  
(703) 816-4000, facsimile number (703) 816-4100, and the following attorneys thereof  
(of the same address) individually and collectively its attorneys to prosecute this  
application and to transact all business in the Patent and Trademark Office in connection  
therewith, and with the resulting patent: Larry S. Nixon, 25640; Arthur R. Crawford,  
25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770;

Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097; Gary T. Tanigawa, 43180.

NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, AEOLUS PHARMACEUTICALS, INC. and DUKE UNIVERSITY also authorize Nixon & Vanderhye to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.


**Certificate Under 37 C.F.R. §3.73(b)**

NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, a corporation having a place of business at, Denver, Colorado 80206, AEOLUS PHARMACEUTICALS, INC., a corporation having a place of business at, Research Triangle Park, North Carolina 27709 and DUKE UNIVERSITY, a corporation having a place of business at, Durham, North Carolina 27708 state that they are, jointly, the assignee of the entire right, title and interest in the patent application identified above by

virtue of assignments from the inventors to the aforesaid assignee, a copy of the assignments being attached.

The undersigneds (whose titles are typed below) are empowered to sign this statement on behalf of NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, AEOLUS PHARMACEUTICALS, INC. and DUKE UNIVERSITY, respectively.

NATIONAL JEWISH MEDICAL AND  
RESEARCH CENTER

4/26/02 By:   
Date Name: James D. Crapo  
Title: Executive Vice President

AEOLUS PHARMACEUTICALS, INC.

\_\_\_\_ By: \_\_\_\_\_  
Date Name:  
Title:

DUKE UNIVERSITY

\_\_\_\_ By: \_\_\_\_\_  
Date Name:  
Title:

Nixon & Vanderhye P.C.  
1100 North Glebe Road  
Eighth Floor  
Arlington, VA 22201-4714

Attorney Dkt: 2661-22

A S S I G N M E N T  
of U.S. Origin Patent Application

- 1) James D. CRAPO
- 2) Brian J. DAY

(hereinafter collectively ASSIGNOR), have made an invention known as Dkt. 2661-22 and entitled: CANCER THERAPY for which an application for Letters Patent of the United States ☐ was executed even date herewith and is about to be filed in the United States Patent and Trademark Office; ☒ was filed on January 22, 2002, Appln. No. 10/051,367, which claims priority from provisional Appln. No. 60/262,390, filed January 19, 2001;

AND WHEREAS NATIONAL JEWISH MEDICAL AND RESEARCH CENTER,  
1400 Jackson Street, Denver, Colorado 80206

(hereinafter ASSIGNEE), desires to acquire an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign and transfer unto ASSIGNEE, its entire right, title and interest to the said invention in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, and foreign counterparts thereof, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention

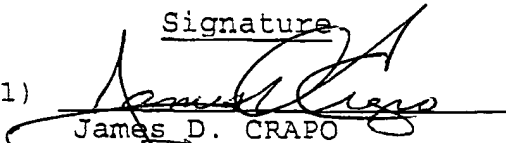
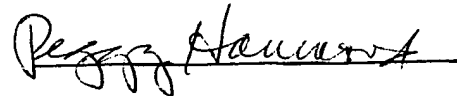

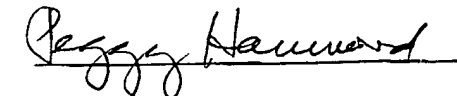
Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and ASSIGNOR hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention.

AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNOR furthermore agrees upon request of said ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

The undersigned hereby authorize(s) Nixon & Vanderhye P.C. of the above address to insert hereon any further identification necessary or desirable for recordation of this document.

Executed on the date(s) below indicated.

	<u>Signature</u>	<u>Date Signed</u>	<u>Witness</u>
1)	 James D. CRAPO	6-11-02	
2)	 Brian J. DAY	6-11-02	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CRAPO et al

Serial No. 10/051,367

Filed: January 22, 2002

For: CANCER THERAPY



Atty. Ref.: 2661-22

Group:

Examiner:

\* \* \* \* \*

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**EXCLUSIVE SUBSTITUTE POWER OF ATTORNEY  
AND EXCLUSIVE PROSECUTION HEREAFTER BY  
ASSIGNEE UNDER 37 C.F.R. §§ 1.36, 3.71 AND 3.73**

NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, AEOLUS  
PHARMACEUTICALS, INC. and DUKE UNIVERSITY, being the owner of all right,  
title and interest in the above-identified patent application, hereby revoke all previous  
powers of attorney in this case, if any, and hereby appoints Nixon & Vanderhye, P.C.,  
1100 North Glebe Rd., 8th Floor, Arlington, Virginia 22201-4714, telephone number  
(703) 816-4000, facsimile number (703) 816-4100, and the following attorneys thereof  
(of the same address) individually and collectively its attorneys to prosecute this  
application and to transact all business in the Patent and Trademark Office in connection  
therewith, and with the resulting patent: Larry S. Nixon, 25640; Arthur R. Crawford,  
25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770;

Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097; Gary T. Tanigawa, 43180.

NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, AEOLUS PHARMACEUTICALS, INC. and DUKE UNIVERSITY also authorize Nixon & Vanderhye to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions communicated from the person, attorney, firm or other organization sending instructions to Nixon & Vanderhye on behalf of the owner.

**Certificate Under 37 C.F.R. §3.73(b)**

NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, a corporation having a place of business at, Denver, Colorado 80206, AEOLUS PHARMACEUTICALS, INC., a corporation having a place of business at, Research Triangle Park, North Carolina 27709 and DUKE UNIVERSITY, a corporation having a place of business at, Durham, North Carolina 27708 state that they are, jointly, the assignee of the entire right, title and interest in the patent application identified above by


virtue of assignments from the inventors to the aforesaid assignee, a copy of the assignments being attached.

The undersigneds (whose titles are typed below) are empowered to sign this statement on behalf of NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, AEOLUS PHARMACEUTICALS, INC. and DUKE UNIVERSITY, respectively.

NATIONAL JEWISH MEDICAL AND  
RESEARCH CENTER

\_\_\_\_\_  
Date By: \_\_\_\_\_  
Name:  
Title:

AEOLUS PHARMACEUTICALS, INC.

4-22-2  
\_\_\_\_\_  
Date By:   
Name: Clayton I. Duncan  
Title: President & CEO

DUKE UNIVERSITY

\_\_\_\_\_  
Date By: \_\_\_\_\_  
Name:  
Title:

Nixon & Vanderhye P.C.  
1100 North Glebe Road  
Eighth Floor  
Arlington, VA 22201-4714

Attorney Dkt: 2661-22

A S S I G N M E N T  
of U.S. Origin Patent Application

1) Richard GAMMANS

(hereinafter collectively ASSIGNOR), have made an invention known as Dkt. 2661-22 and entitled: CANCER THERAPY for which an application for Letters Patent of the United States ☐ was executed even date herewith and is about to be filed in the United States Patent and Trademark Office; ☒ was filed on January 22, 2002, Appln. No. 10/051,367, which claims priority from provisional Appln. No. 60/262,390, filed January 19, 2001;

AND WHEREAS AEOLUS PHARMACEUTICALS INC. P.O. Box 14287, Research Triangle Park, North Carolina 27709

(hereinafter ASSIGNEE), desires to acquire an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign and transfer unto ASSIGNEE, its entire right, title and interest to the said invention in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, and foreign counterparts thereof, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention

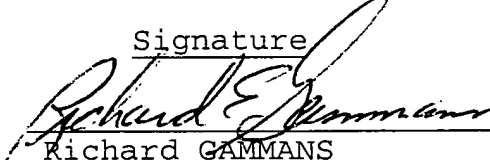
Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and ASSIGNOR hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives. It is understood and agreed that ASSIGNEE'S attorneys Nixon & Vanderhye P.C. have represented only ASSIGNEE and will continue to represent only ASSIGNEE with respect to this invention.

AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

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Executed on the date(s) below indicated.

	<u>Signature</u>	<u>Date Signed</u>	<u>Witness</u>
1)	 Richard GAMMANS	23 April 2002	Jose G. Solazar

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CRAPO et al

Serial No. 10/051,367

Filed: January 22, 2002

For: CANCER THERAPY



Atty. Ref.: 2661-22

Group:

Examiner:

\* \* \* \* \*

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Washington, DC 20231

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(703) 816-4000, facsimile number (703) 816-4100, and the following attorneys thereof  
(of the same address) individually and collectively its attorneys to prosecute this  
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25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770;

Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41426; Chris Comuntzis, 31097; Gary T. Tanigawa, 43180.

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virtue of assignments from the inventors to the aforesaid assignee, a copy of the assignments being attached.

The undersigneds (whose titles are typed below) are empowered to sign this statement on behalf of NATIONAL JEWISH MEDICAL AND RESEARCH CENTER, AEOLUS PHARMACEUTICALS, INC. and DUKE UNIVERSITY, respectively.


NATIONAL JEWISH MEDICAL AND  
RESEARCH CENTER

\_\_\_\_\_  
Date By: \_\_\_\_\_  
Name:  
Title:

AEOLUS PHARMACEUTICALS, INC.

\_\_\_\_\_  
Date By: \_\_\_\_\_  
Name:  
Title:

DUKE UNIVERSITY

\_\_\_\_\_  
Date April 23, 2002 By:   
Name: Robert L. Taber  
Title: Vice Chancellor of Science &  
Technology Development

Nixon & Vanderhye P.C.  
1100 North Glebe Road  
Eighth Floor  
Arlington, VA 22201-4714

Attorney Dkt: 2661-22

A S S I G N M E N T  
of U.S. Origin Patent Application

- 
- 1) Ines BATINIC-HABERLE
- 
- 2) Zeljko VUJASKOVIC
- 

(hereinafter collectively ASSIGNOR), have made an invention known as Dkt. **2661-22** and entitled: **CANCER THERAPY** for which an application for Letters Patent of the United States ☐ was executed even date herewith and is about to be filed in the United States Patent and Trademark Office; ☒ was filed on **January 22, 2002**, Appln. No. **10/051,367**, which claims priority from provisional Appln. No. **60/262,390**, filed **January 19, 2001**;

AND WHEREAS **DUKE UNIVERSITY, Durham, North Carolina 27708-0083**

(hereinafter ASSIGNEE), desires to acquire an interest therein;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNOR, does hereby sell, assign and transfer unto ASSIGNEE, its entire right, title and interest to the said invention in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, and foreign counterparts thereof, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any

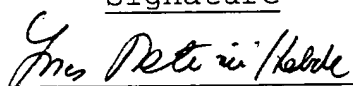
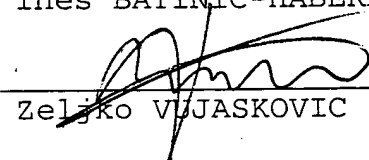
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Executed on the date(s) below indicated.

	<u>Signature</u>	<u>Date Signed</u>	<u>Witness</u>
1)	 Ines BATINIC-HABERLE	04/24/02	Cindy Fears
2)	 Zeljko VUJASKOVIC	05/10/02	Cindy Fears